

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: September 15, 2016

Rule Number: 13 CSR 70-4.090

Name of Agency Preparing Statement: Department of Social Services, MO
HealthNet Division

Name of Person Preparing Statement: Billie Waite

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Name of Person Approving Statement: Joseph Parks, M.D.

Please describe the methods your agency considered or used to reduce the impact on small businesses *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

This amendment changes the name of the program that pays for woman's health services for uninsured women, clarifies the income limits for the program, suspends the federal expenditure authority for the program, and restricts payment for woman's health services for uninsured women from being made to any organization that provides abortion services.

The Department of Social Services does not know which providers billing for services under the Women's Health Services Program provide abortion services or are affiliated with a provider of abortion services. It is known that over 100 providers who are licensed to have the option to provide abortion services in Missouri also billed for services provided under the Women's Health Services program. It is also unknown how many clinics and pharmacies are affiliated with hospitals that provide abortion services and because of this affiliation would be ineligible to participate in the state-funded Women's Health Services program.

Please explain how your agency has involved small businesses in the development of the proposed rule.

Associations of the small businesses were allowed to review and comment on the draft proposed amendment.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

The estimated loss in federal funds is the result of the Department of Social Services, MO HealthNet Division's statutory obligation to abide by the provision of ***Truly Agreed To And Finally Passed Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill NO.2011 98th General Assembly Section 11.550***. The Governor recommended federal funding for the Women's Health Services program for FY 2017; this is consistent with how the program had been funded in the past. The final Truly Agreed To and Finally Passed (TAFP) budget, Section 11.550 that funds the Women's Health Services program for FY 2017 has no federal funding authority for funding family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided to uninsured women who are at least 18 to 55 years of age with a family modified adjusted gross income for the household size that does not exceed two hundred one percent (201%) of the Federal Poverty Level.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Hospitals, clinics and pharmacies affiliated with hospital(s) or ambulatory surgical center(s).

The Department of Social Services does not know how many providers billing for services provided through the Women's Health Services program provide abortion services. Abortion services are not a part of the Women's Health Services program benefit. Over 100 health care providers billing for the Women's Health Services Program are hospitals or ambulatory surgical centers with licenses allowing them to abortion services. In addition there may be clinics or pharmacies affiliated with hospitals that may provide abortion services. These clinics may be impacted, depending on the business relationship with the hospitals.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

Estimated loss of up to \$8,315,212 federal funds to be replaced by General Revenue.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Hospitals, clinics and pharmacies affiliated with hospital(s) or ambulatory surgical center(s).

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ____ No **X**

If yes, please explain the reason for imposing a more stringent standard.

To comply with Section 11.550 (HB 2011 – 2016), the State-Funded Missouri Women's Health Services Program will not cover or pay for services provided by an organization that also provides abortion services. With the addition of this provision, Missouri cannot comply with the terms and conditions of the Title XIX (Medicaid) federal waiver and receive Title XIX federal funds to help pay the costs of the program. General Revenue is budgeted to cover those costs paid by federal funds in the past.

For further guidance in the completion of this statement, please see §536.300, RSMo.